

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.1413 of 2016 (O&M)

Date of Decision : 18.10.2016

Pargat Singh

....Appellant

Versus

Financial Commissioner Punjab and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN**

Present: Mr. Vikas Mehsempuri, Advocate
for the appellant.

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MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 01.06.2016 upholding the appointment of respondent No.6 as Lambardar.

The appellant questions this mainly on two grounds which were agitated before the learned Single Judge as has also been done before us i.e. that respondent No.6 is unlikely to be available to the villagers as he is engaged in the business of selling mobiles and secondly he does not belong to the Patti to which the deceased Lambardar belonged.

It is argued before us that assuming all factors to be equal, the factum of the appellant belonging to the same Patti as the deceased Lambardar would be a factor to outweigh the claim of respondent No.6.

We have heard the learned counsel for the appellant and are of the opinion that the learned Single Judge has committed no error in law by upholding the choice of the Collector which ordinarily should have been done unless some perversity has been shown. We do not find this to be a case where the appellant is possessed of some exceptional merit than the selected candidate. There is nothing on record to suggest that respondent No.6 would not be available to the villagers to serve them and similarly the issue of belonging to a particular Patti would be inconsequential in view of the fact that the advertisement for the post of Lambardar was for the entire village and not restricted to a particular Patti. We thus agree with the findings of the learned Single Judge and finding the appeal to be without any merit decline interference.

However, we would condone the marginal delay of 5 days in filing the appeal in the interest of justice.

Appeal dismissed.

(MAHESH GROVER)

JUDGE

18.10.2016

dss

(SHEKHER DHAWAN)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No